APPEAL NO. 041167
FILED JULY 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on April 28, 2004. With respect to the single issue before him, the hearing officer determined that the respondent's (claimant) compensable injury of _____, includes bilateral carpal tunnel syndrome (CTS). In its appeal, the appellant (self-insured) argues that the hearing officer's determination in that regard is against the great weight of the evidence. In his response to the self-insured's appeal, the claimant urges affirmance.

DECISION

Affirmed as modified.

Initially, we note that Conclusion of Law No. 3 contains a typographical error. That conclusion identifies the date of injury as (incorrect date of injury); however, the parties stipulated that the date of injury is _____. Accordingly, we modify Conclusion of Law No. 3 to properly reflect the correct date of injury. It will now state "Claimant's compensable injury of _____, includes bilateral carpal tunnel syndrome."

The hearing officer did not err in determining that the claimant's compensable injury of _____, includes bilateral CTS. That issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the disputed issue and the hearing officer was acting within his province as the fact finder in giving more weight to the evidence tending to demonstrate that the claimant's bilateral CTS was caused by the compensable motor vehicle accident of _____. Contrary to the self-insured's assertion, the hearing officer could reasonably draw an inference that the claimant's wrists were hyperextended when his hands hit the dashboard in the accident based upon the claimant's testimony that he extended his arms just before the impact and in spite of the fact that he does not actually recall his hands coming into contact with the dashboard. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

As modified, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

FF
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Elaine M. Chaney
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

_____
Veronica L. Ruberto
Appeals Judge